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 20 TOLL BROTHERS, INC.

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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

1 PETER SWALLOW,  
 2 Plaintiff,  
 3  
 4 vs.  
 5 TOLL BROTHERS, INC.; AND DOES  
 6 1-25, INCLUSIVE,  
 7 Defendants.

Case No. C 08-2311 JCS

**DECLARATION OF TIMOTHY J.  
HOBAN IN SUPPORT OF  
DEFENDANT'S OPPOSITION TO  
MOTION FOR LEAVE TO FILE  
FIRST AMENDED COMPLAINT**

Date: August 29, 2008  
 Time: 1:30 p.m.  
 Judge: Honorable Joseph C. Spero  
 Complaint Filed: April 3, 2008  
 Trial Date: None Set

1  
**DECLARATION OF TIMOTHY J. HOBAN**

2 I, Timothy J. Hoban, declare as follows:

3 1. I am an attorney at law, authorized to practice in the State of California.  
4 I am Regional Counsel for Defendant Toll Bros., Inc. ("Toll"). I have personal  
5 knowledge of the facts set forth in this Declaration and, if called as a witness, could  
6 and would testify competently to such facts under oath.

7 2. I spoke on the telephone with Plaintiff's counsel in connection with this  
8 case prior to learning that Plaintiff had filed a lawsuit. I do not recall Plaintiff's  
9 counsel ever telling me that the reason she requested a tolling agreement was in  
10 order to obtain a Right-To-Sue letter.

11 3. I informed Plaintiff's counsel that Peter Swallow was subject to an  
12 arbitration agreement.

13 I declare under penalty of perjury under the laws of the State of California  
14 that the foregoing is true and correct.

15 Executed on June 29, 2008, at Signal Hill, California.

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Timothy J. Hoban

## **PROOF OF SERVICE BY MAIL**

STATE OF CALIFORNIA }  
COUNTY OF ORANGE } ss.:

I am employed in the County of Orange, State of California. I am over the age of 18 and not a party to the within action. My business address is 1900 Main Street, Fifth Floor, Irvine, California 92614-7321.

On July 3, 2008, I served on interested parties in said action the within:

**DECLARATION OF TIMOTHY J. HOBAN IN SUPPORT OF  
DEFENDANT'S OPPOSITION TO MOTION FOR LEAVE TO FILE  
FIRST AMENDED COMPLAINT**

by placing a true copy thereof in sealed envelope(s) addressed as stated below and causing such envelope(s) to be deposited in the U.S. Mail at Irvine, California.

Kathleen M. Lucas, Esq.  
The Lucas Law Firm  
180 Montgomery Street, Suite 2000  
San Francisco, California 94104

I am readily familiar with this firm's practice of collection and processing correspondence for mailing. Under that practice it would be deposited with the U.S. Postal Service on that same day in the ordinary course of business. I am aware that on motion of party served, service is presumed invalid if postal cancellation date or postage meter date is more than 1 day after date of deposit for mailing in affidavit.

I declare under penalty of perjury that I am employed in the office of a member of the bar of this Court at whose direction the service was made and that the foregoing is true and correct.

Executed on July 3, 2008, at Irvine, California.

Stephanie S. Pattis  
(Type or print name)

(Signature)